IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

LA.App..No. 826 of 2003()(CROSS OBJECTION 67/04

LAR.89/1998 of PRINCIPAL SUB COURT,PARAVUR
.....

APPELLANT: ADDL.2ND RESPONDENT:

KOCHI INTERNATIONAL AIRPORT SOCIETY,
REP. BY ITS MANAGING DIRECTOR, ANGAMALY.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.

RESPONDENTS: CLAIMANT & 1ST RESPONDENT:
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1. THOMAS, S/O. THARIYATH KOORAN,
AVANAMCODE.

2. STATE OF KERALA,
REP. BY THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, ERNAKULAM.

BY ADV. SRI.T.KRISHNAN UNNI
BY GOVERNMENT PLEADER SMT.DEEPA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 826 OF 2003

&

CROSS OBJECTION 67 OF 2004

Dated this the 11th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 89/1998 on the file of the Principal Sub Court, North Paravur. Acquisition is for the purpose of Kochi International Airport, Nedumbassery.

2. Since the land value has been limited to enhancement by 45% over the land value fixed by the Land Acquisition Officer as per the judgment of this Court in L.A.A. No. 412/2001 and connected cases, the land value is refixed at 45% over and above the value fixed by the Land Acquisition Officer.

3. The Cross Objector has a case that the structure has not been valued properly. Though a Commission was taken in O.S. No. 547/1997, the same was not accepted by the reference court on the ground that the Advocate Commissioner had not meticulously assessed the value. It is seen that the Commission Report in such cases has been accepted by this Court, one such

judgment is in L.A.A. No. 295/2002, after granting depreciation to the tune of 15%.

4. In that view of the matter, we are also of the view that the claimant is entitled to have the value of structures refixed after giving 15% depreciation. Thus on such depreciation, the value of structures has to be refixed at Rs. 4,42,142/-. The Land Acquisition Officer granted Rs. 3,26,600/- towards value of structures and the reference court granted further enhancement of Rs. 97,980/-. Thus the claimant has already been granted an amount of Rs. 4,24,580/-. Therefore, the claimant is entitled only for the balance amount which comes to tune of Rs. 17,562/-.

Accordingly, we partly allow the appeal and the cross objection refixing the land value at 45% over the value fixed by the Land Acquisition Officer and fixing the value of the structures at Rs. 4,42,142/-. The cross objector shall also be entitled to all eligible statutory benefits including interest on solatium.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 826 OF 2003
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J U D G M E N T

11.10.2007